

HOUSE STYLE GUIDE

Arkansas Supreme Court
Arkansas Court of Appeals



Kristin A. Cordell

REPORTER OF DECISIONS

Susan P. Williams

ASSISTANT REPORTER OF DECISIONS

Jeffrey D. Bartlett

EDITORIAL ASSISTANT

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HOUSE STYLE GUIDE: INTRODUCTION

The *House Style Guide*, originally the *Supreme Court and Court of Appeals Procedure and Style Handbook*, was introduced by Marlo Bush Krueger during her term as Reporter of Decisions (1988 - 1995, Interim Reporter 2006). Mrs. Krueger established a convenient source of rules compiled from a variety of authorities, beginning with a collection of citation forms, frequently used rules from *The Bluebook*, a couple of former Justice George Rose Smith's memos on citing and spelling, and a few, often overlooked grammar rules.

William B. Jones, Jr. (Reporter of Decisions, 1995 - 2006) expanded Mrs. Krueger's work to include a *Style and Usage Guide*, an alphabetically arranged appendix on usage intended to address specific questions that Supreme Court and Appeals Court staff members have raised with the Reporter's Office. The *Supreme Court and Court of Appeals Procedure and Style Handbook* and the *Style and Usage Guide* were merged in 1998 under the single title *House Style Guide* in an effort to create a more convenient and useful format.

Although nothing in the *House Style Guide* is official except the citation forms adopted by the Arkansas Supreme Court and the Arkansas Court of Appeals, adherence to a uniform "house style" will result in greater consistency throughout the official reports, better serving the reader.

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ARKANSAS COURT OF APPEALS

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CITATIONS

After each rule or example, the source of the rule or example is given in brackets. The following is a list of the abbreviations used:

- [ALWD 11.1] or [ALWD App. 5] = rules or appendices from *ALWD Citation Manual*, 3rd Ed. (2005)
- [B5],[T.1], [BT.2] or [12.5.3] = rule numbers from *The Bluebook*, 18th ed. (2005)
- [GRS] = memo from Justice George Rose Smith
- [SC] = memo from the Arkansas Supreme Court
- [PC] = per curiam opinion
- [popular] = a popular citation
- [source] = as suggested by the source

ARKANSAS CITATIONS

Acts (Session Laws):

Act 120 of 1938. [popular]
2006 Ark. Acts 1. [T.1, 12.4, ALWD App. 1]

Act 120 of the First Extraordinary Session of 1987. [GRS]
2006 Ark. Acts 1, 1st Ext. Sess. [12.4 & T.1]

Bills:

1997 Ark. H.B. 123, § 2
1997 Ark. S.B. 456, § 3

Code:

The Arkansas Supreme Court adopted the following form to cite the Arkansas Code of 1987, which became effective at midnight December 31, 1987:

Ark. Code Ann. § 1-2-113(a)(5) (1987).
Ark. Code Ann. § 1-2-114(b)(1) (Supp. 19__).
Ark. Code Ann. §§ 7-1-101–9-30-109 (Repl. 19__).
Ark. Code Ann. §§ 1-2-115–1-2-130 (1987 and Supp. 19__).
Ark. Code Ann. §§ 7-1-101–9-30-109 (Repl. 19__ and Supp. 19__).

1. Use the original punctuation separating sections unless the source contains no such separating punctuation, in which case place the subsection designation in parentheses. Thus, place “1.” and “a)” in parentheses (“(1)” and “(a)”), but not “.01” or “-32.” [3.3, ALWD 6.4(b)&(c)]
2. When citing consecutive sections or subsections, give inclusive numbers; do not use “*et seq.*” [3.3(b)]; “use of *et seq.* is not encouraged,” [ALWD 6.6(d)]
3. Always space between the section mark (§) and the numeral. [ALWD 6.2 & 14.2(c)] Do not space between the section number and its subsection or between a subsection and any further subdivisions. Always space between the section or subsections and the date parenthetical. [See 3.3, and see ALWD 14.2]
4. When citing Code Commentaries, Vols. A and B (Repl. 1995), use the following forms as applicable:
 - Comment to Ark. Code Ann. § 18-28-216 (Repl. 1995)
 - Official Comment to Ark. Code Ann. § 4-33-302 (Repl. 1995)
 - Original Commentary to Ark. Code Ann. § 5-2-206 (Repl. 1995)

In general, follow the headings in the two Commentaries volumes as modified by the examples above.

Constitution: [11 and GRS]

Ark. Const. art. 4, § 3, cl. 2.

Ark. Const. amend. 60, § 2, cl. 1.

(Cite provisions without date unless the cited provisions have been repealed or amended, in which case indicate parenthetically both the fact and the date of repeal or amendment or cite the repealing or amending provision in full. If a provision has been totally superseded, cite it with its year of adoption in parentheses.) [11]

Cases:

Sup. Ct.: ____ Ark. ____, ____ S.W.3d ____ (200__). [10]

Ct. App.: ____ Ark. App. ____, ____ S.W.3d ____ (200__). [10]

8/8/79–2/18/81: ____ Ark. ____, ____ S.W.2d ____ (Ark. App. 19__). [PC]

Opinions Not Designated for Publication: [PC]

A v. B, CR 98-272, slip op. at ____ (Ark. Month __, 2007).

- ▶ “at ____” unnecessary if referencing whole opinion

-OR-

A v. B, CACR 97-579, slip op. at ____ (Ark. App. Month __, 2007).

- ▶ Electronic “vendor-neutral” citations have not been adopted.

Supplemental Opinions:

A v. B, ____ Ark. ____, ____, ____ S.W.2d ____, ____ (19__) (supplemental opinion granting/denying rehearing). [10.6]

Cite to the starting page of the original majority opinion with a page cite to the starting page of the supplemental opinion or a particular page within that supplemental opinion.

Slip Opinions:

A v. B, ____ Ark. ____, ____ S.W.2d ____ (Month __, 19__).

- ▶ Per curiam orders are cited just like other opinions.
- ▶ The first series of the *South Western Reporter* consists of 300 volumes and contains cases dating to December 1927. Cases in Volumes 1-46 of the *Arkansas Reports* do not have parallel citations in the *South Western Reporter*.
- ▶ When case names are used as part of a textual sentence they should conform to Rule 10.2.1. When they appear as part of a citation they should be further abbreviated according to Rule 10.2.2. [10.2]
- ▶ As soon as the *Arkansas* or *Arkansas Appellate* page number is available, the month & date are dropped from the cite.

Law Review and Law Notes: [16]

Author, *Title of Article*, ____ Ark. L. Rev. ____ (19__).

Comment, *Title of Article*, ____ UALR L.J. ____ (19__).

Note, *Title of Article*, ____ Ark. L. Rev. ____ (19__).

Author, *Title of Article*, 19__ Ark. L. Notes ____.

Rules: [See 12.8.3 or 12.8.6 or as indicated.]

Appellate Procedure:	Ark. R. App. P.–Civil 3. Ark. R. App. P.–Crim. 3.
Civil Procedure:	Ark. R. Civ. P. 56. [<i>preferred</i>] ARCP Rule 56. [<i>acceptable</i>]
Criminal Procedure:	Ark. R. Crim. P. 37.2. [<i>preferred</i>] A.R.Cr.P. Rule 37.2. [<i>acceptable</i>]
Evidence:	Ark. R. Evid. 803. [<i>preferred</i>] ARE Rule 803. [<i>acceptable</i>]
Jury Instructions:	AMI Civ. 3d 503. AMI Crim. 506.
Supreme Court:	Ark. Sup. Ct. R. 3-4(a)(8).
Admission to the Bar:	Bar Admis. R. XV(B)(1)(a).
Certif. of Ct. Reporter:	Cert. of Ct. Rptrs. § 7.
CLE:	Ark. CLE R. 6(f)(2).
District Court Rules:	District Ct. R. 9.
Judicial Conduct:	Ark. Code of Judicial Conduct Canon 7(A)(1)(a).
Judicial Discipline:	Ark. Jud. Disc. & Disab. Comm’n R. 11(G)(1).
Professional Conduct:	Ark. R. Prof’l Conduct (a)(1). P. Reg. Prof’l Conduct (e)(6).
Unauthorized Practice:	Unauth. Prac. of Law Rule III(b)(1).
Workers’ Comp. Comm. R.:	W.C.C. Rule 3 (Sept. 1988). [14.1]
Att’y Gen. Opinions:	Op. Att’y Gen. # 302 (1918). Op. Att’y Gen. # 91-306. [14.1]

Statutes: [12.3 & GRS]

Orig. 1947 Ed.:	Ark. Stat. Ann. § 34-987 (1947).
Replacement:	Ark. Stat. Ann. § 34-987 (Repl. 19__).
Pocket Part:	Ark. Stat. Ann. § 34-987 (Supp. 19__).
Addendum:	Ark. Stat. Ann. § 85-1-504 (Add. 19__).
Repl. & Supp.:	Ark. Stat. Ann. §§ 71-1301–71-1310 (Repl. 19__ and Supp. 19__).
Subsections:	Ark. Stat. Ann. § 34-987(2)(a) (Repl. 19__).

When a particular volume has been cited once as, for example, “(Repl. 1957),” there is no need to repeat this reference in a subsequent citation of the same volume. [GRS]

FEDERAL CITATIONS

Code: [B6.1.1]

42 U.S.C. § 300a-7 (19__) or (Supp. 19__).

42 U.S.C.A. § 300a-7 (West 19__) or (West Supp. 19__).

42 U.S.C.S. § 300a-7 (Law. Co-op. 19__) or (Law. Co-op. Supp. 19__).

U.S.C., U.S.C.A., and U.S.C.S. all have the same volume and section numbers. U.S.C. is the official code.

Constitution: [B7 & GRS]

U.S. Const. art. 1, § 9, cl. 2.

U.S. Const. amend. 14, § 2.

(Cite provisions without date unless the cited provisions have been repealed or amended, in which case indicate parenthetically both the fact and the date of repeal or amendment or cite the repealing or amending provision in full. If a provision has been totally superseded, cite it with its year of adoption in parentheses.) [11]

Cases: [B5]

___ U.S. ___ (19__). No parallel cites are required.

___ U.S. ___, xxx S. Ct. xxx (19__). U.S. cite not available

___ F.2d ___ (1st Cir. 19__), or (D.C. Cir. 19__).

___ F. Supp. ___ (S.D.N.Y. 19__), or (E.D. Ark. 19__).

Rules: [B6.1.3]

Fed. R. Civ. P. 12(b)(6).

Fed. R. Evid. 601.

Statutes: [B6.1.1]

Name of the Act, Pub. L. No. __-__, § ___, ___ Stat. ___ (19__) (codified as amended at ___ U.S.C. § ___ (19__)).

- OR -

Name of the Act, ch. ___, ___ Stat. ___ (19__) (codified as amended at ___ U.S.C. § ___

(19__)).

If possible, cite statutes currently in force to the current official code or its supplement. [12.2.1]
Cite to the session laws if a statute appears in so many scattered sections or titles that no useful citation to the code is possible. [12.2.2(a)]

MISCELLANEOUS CITATIONS

Books (other than legal publications):

ALR:

Author, Annotation, *Title*, ____ A.L.R. FED. ____ (19__). [16.6.6]

Am. Jur.:

17 Am. Jur. 2d *Contracts* § 75 (19__). [15.8]

CJS:

88 C.J.S. *Trial* § 192 (19__). [15.8]

Computer Cites:

A v. B, No. _____, 1991 U.S. App. LEXIS 5863, at *3 (8th Cir. Apr. 10, 1991) (per curiam).

A v. B, No. _____, 1991 WL 55402, at *6 (D. Kan. Apr. 10, 1991.)

Dictionaries:

Ballentine's Law Dictionary 1190 (3d ed. 1969). [B8]

Black's Law Dictionary 290 (6th ed. 1990). [B8]

Hornbooks:

Edward W. Cleary, *McCormick on Evidence* § ____, at ____ (3d ed. 19__).

4A Arthur L. Corbin, *Corbin on Contracts* § ____ (19__).

3A Arthur Larson, *The Law of Workmen's Compensation* § ____ (19__).

W. Page Keeton *et al.*, *Prosser & Keeton on the Law of Torts* § ____, at ____ (5th ed. 1984).
[15]

4 John H. Wigmore, *Evidence in Trials at Common Law* § ____, at ____ (3d ed. 19__).

10 Samuel Williston, *A Treatise on the Law of Contracts* § ____ (3d ed. 19__ & Supp. 1979).

Newspaper:

John Smith, "My Article," *Arkansas Democrat-Gazette*, Dec. 15, 1998, at 1E, col. 2.

Restatement:

Restatement (Second) of Torts § ____ (19__). [B6.1.3]

UCC:

U.C.C. § 2-505. (A uniform act cited as the law of a particular state should be cited as a state statute.) [B6.1.3]

Unif. R. Evid. 403 [12.8.3]

STATE REPORTER CITATIONS

1. Case names in textual sentences should conform to *The Bluebook* Rule 10.2.1. In a citation, they should be further abbreviated according to *The Bluebook* Rule 10.2.2. [10.2]
2. Cite the official state reporter, unless the state has none, in which case cite to the regional reporter [10.3.1 & Ark. Sup. Ct. R. 4.2(a)(7)]. In the parentheses, before the date, give the state abbreviation. If the decision is of a court other than the highest court, include the full, abbreviated name of the court. [10.4]
... 277 S.W.2d 87 (Mo. 19__).
... 277 S.W.2d 87 (Mo. Ct. App. 19__).
3. The following is an alphabetical list by state of the present proper citation for supreme court and court of appeals opinions. If the state does not have a court of appeals, only the citation for the supreme court's opinions is listed. Some citations have changed over the years. The "since 19__" notation indicates that the citation listed is correct only for cases since the year indicated. Check *The Bluebook* for other citation forms. [T.1]

ALABAMA:

Sup. Ct.: __ So. 2d __ (Ala. 19__). since 1976
Ct. Civ. App.: __ So. 2d __ (Ala. Civ. App. 19__). since 1976
Ct. Crim. App.: __ So. 2d __ (Ala. Crim. App. 19__). since 1976

ALASKA:

Sup. Ct.: __ P.2d __ (Alaska 19__). since 1960
Ct. App.: __ P.2d __ (Alaska Ct. App. 19__). since 1980

ARIZONA:

Sup. Ct.: __ Ariz. __, __ P.2d __ (19__). since 1931
Ct. App.: __ Ariz. __, __ P.2d __ (Ct. App. 19__). since 1976

ARKANSAS:

Sup. Ct.: __ Ark. __, __ S.W.2d __ (19__). since 1927
Ct. App.: __ Ark. App. __, __ S.W.2d __ (19__). since February 18, 1981

- The first series of the *South Western Reporter* consists of 300 volumes and contains cases dating to December 1927. Cases in Volumes 1-46 of the *Arkansas Reports* do not have parallel citations in the *South Western Reporter*.

CALIFORNIA:

Sup. Ct.: __ Cal. 3d __, __ P.2d __, __ Cal. Rptr. __ (19__). since 1969
Ct. App.: __ Cal. App. 3d __, __ Cal. Rptr. __ (19__). since 1959

COLORADO:

Sup. Ct.: ___ P.2d ___ (Colo. 19___). since 1980
Ct. App.: ___ P.2d ___ (Colo. Ct. App. 19___). since 1980

CONNECTICUT:

Sup. Ct.: ___ Conn. ___, ___ A.2d ___ (19___). since 1938
App. Ct.: ___ Conn. App. ___, ___ A.2d ___ (19___). since 1983

DELAWARE:

Sup. Ct.: ___ A.2d ___ (Del. 19___). since 1966

DISTRICT OF COLUMBIA:

Ct. App.: ___ A.2d ___ (D.C. 19___) since 1943

FLORIDA:

Sup. Ct.: ___ So. 2d ___ (Fla. 19___). since 1948
Dist. Ct. App.: ___ So. 2d ___ (Fla. Dist. Ct. App. 19___). since 1957

GEORGIA:

Sup. Ct.: ___ Ga. ___, ___ S.E.2d ___ (19___). since 1939
Ct. App.: ___ Ga. App. ___, ___ S.E.2d ___ (19___). since 1939

HAWAII:

Sup. Ct.: ___ Haw. ___, ___ P.2d ___ (19___). since 1959
Ct. App.: ___ Haw. App. ___, ___ P.2d ___, (19___). since 1980

IDAHO:

Sup. Ct.: ___ Idaho ___, ___ P.2d ___ (19___). since 1931
Ct. App.: ___ Idaho ___, ___ P.2d ___ (Ct. App. 19___). since 1931

ILLINOIS:

Sup. Ct.: ___ Ill. 2d ___, ___ N.E.2d ___ (19___). since 1954
App. Ct.: ___ Ill. App. 3d ___, ___ N.E.2d ___ (19___). since 1972

INDIANA:

Sup. Ct.: ___ N.E.2d ___ (Ind. 19___). since 1981
Ct. App.: ___ N.E.2d ___ (Ind. Ct. App. 19___). since 1979

IOWA:

Sup. Ct.: ___ N.W.2d ___ (Iowa 19___). since 1968
Ct. App.: ___ N.W.2d ___ (Iowa Ct. App. 19___). since 1977

KANSAS:

Sup. Ct.: ___ Kan. ___, ___ P.2d ___ (19___). since 1931
Ct. App.: ___ Kan. App. 2d ___, ___ P.2d ___ (19___). since 1977

KENTUCKY:

Sup. Ct.: ___ S.W.2d ___ (Ky. 19___). since 1951
Ct. App.: ___ S.W.2d ___ (Ky. Ct. App. 19___). since 1976

LOUISIANA:

Sup. Ct.: ___ So. 2d ___ (La. 19___). since 1972
Ct. App.: ___ So. 2d ___ (La. Ct. App. 19___). since 1941

MAINE:

Sup. Jud. Ct.: ___ A.2d ___ (Me. 19___). since 1965

MARYLAND:

Ct. App.: ___ Md. ___, ___ A.2d ___ (19___). since 1938
Ct. Spec. App.: ___ Md. App. ___, ___ A.2d ___ (19___). since 1967

MASSACHUSETTS:

Sup. Jud. Ct.: ___ Mass. ___, ___ N.E.2d ___ (19___). since 1936
App. Ct.: ___ Mass. App. Ct. ___, ___ N.E.2d ___ (19___). since 1976

MICHIGAN:

Sup. Ct.: ___ Mich. ___, ___ N.W.2d ___ (19___). since 1941
Ct. App.: ___ Mich. App. ___, ___ N.W.2d ___ (19___). since 1965

MINNESOTA:

Sup. Ct.: ___ N.W.2d ___ (Minn. 19___). since 1977
Ct. App.: ___ N.W.2d ___ (Minn. Ct. App. 19___). since 1983

MISSISSIPPI:

Sup. Ct.: ___ So. 2d ___ (Miss. 19___). since 1966

MISSOURI:

Sup. Ct.: ___ S.W.2d ___ (Mo. 19___). since 1956
Ct. App.: ___ S.W.2d ___ (Mo. Ct. App. 19___). since 1952

MONTANA:

Sup. Ct.: ___ Mont. ___, ___ P.2d ___ (19___). since 1931

NEBRASKA:

Sup. Ct.: ___ Neb. ___, ___ N.W.2d ___ (19___). since 1941

NEVADA:

Sup. Ct.: ___ Nev. ___, ___ P.2d ___ (19___). since 1931

NEW HAMPSHIRE:

Sup. Ct.: ___ N.H. ___, ___ A.2d ___ (19___). since 1938

NEW JERSEY:

Sup. Ct.: ___ N.J. ___, ___ A.2d ___ (19___). since 1948

NEW MEXICO:

Sup. Ct.: ___ N.M. ___, ___ P.2d ___ (19___). since 1931

Ct. App.: ___ N.M. ___, ___ P.2d ___ (Ct. App. 19___). since 1967

NEW YORK:

Ct. App.: ___ N.Y.2d ___, ___ N.E.2d ___, ___ N.Y.S.2d ___ (19___). since 1956

Sup. Ct., App. Div.: ___ A.D.2d ___, ___ N.Y.S.2d ___ (19___). since 1955

NORTH CAROLINA:

Sup. Ct.: ___ N.C. ___, ___ S.E.2d ___ (19___). since 1939

Ct. App.: ___ N.C. App. ___, ___ S.E.2d ___ (19___). since 1968

NORTH DAKOTA:

Sup. Ct.: ___ N.W.2d ___ (N.D. 19___). since 1953

Ct. App.: ___ N.W.2d ___ (N.D. Ct. App. 19___). since 1987

OHIO:

Sup. Ct.: ___ Ohio St. 3d ___, ___ N.E.2d ___ (19___). since 1982

Ct. App.: ___ Ohio App. 3d ___, ___ N.E.2d ___ (19___). since 1982

OKLAHOMA:

Sup. Ct.: ___ P.2d ___ (Okla. 19___). since 1953

Crim. App.: ___ P.2d ___ (Okla. Crim. App. 19___). since 1953

Ct. App.: ___ P.2d ___ (Okla. Ct. App. 19___). since 1969

OREGON:

Sup. Ct.: ___ Or. ___, ___ P.2d ___ (19___). since 1931

Ct. App.: ___ Or. App. ___, ___ P.2d ___ (19___). since 1969

PENNSYLVANIA:

Sup. Ct.: ___ Pa. ___, ___ A.2d ___ (19___). since 1938

RHODE ISLAND:

Sup. Ct.: ___ A.2d ___ (R.I. 19___). since 1980

SOUTH CAROLINA:

Sup. Ct.: ___ S.C. ___, ___ S.E.2d ___ (19___). since 1939
Ct. App.: ___ S.C. ___, ___ S.E.2d ___ (Ct. App. 19___). since 1983

SOUTH DAKOTA:

Sup. Ct.: ___ N.W.2d ___ (S.D. 19___). since 1976

TENNESSEE:

Sup. Ct.: ___ S.W.2d ___ (Tenn. 19___). since 1971
Ct. App.: ___ S.W.2d ___ (Tenn. Ct. App. 19___). since 1971
Crim. App.: ___ S.W.2d ___ (Tenn. Crim. App. 19___). since 1971

TEXAS:

Sup. Ct.: ___ S.W.2d ___ (Tex. 19___). since 1962
Ct. App.: ___ S.W.2d ___ (Tex. Ct. App. 19___). since 1981
Ct. Crim. App.: ___ S.W.2d ___ (Tex. Crim. App. 19___). since 1963

UTAH:

Sup. Ct.: ___ P.2d ___ (Utah 19___). since 1974

VERMONT:

Sup. Ct.: ___ Vt. ___, ___ A.2d ___ (19___). since 1938

VIRGINIA:

Sup. Ct.: ___ Va. ___, ___ S.E.2d ___ (19___). since 1939
Ct. App.: ___ Va. App. ___, ___ S.E.2d ___ (19___). since 1985

WASHINGTON:

Sup. Ct.: ___ Wash. 2d ___, ___ P.2d ___ (19___). since 1931
Ct. App.: ___ Wash. App. ___, ___ P.2d ___ (19___). since 1969

WEST VIRGINIA:

Sup. Ct. of App.: ___ W. Va. ___, ___ S.E.2d ___ (W. Va. 19___). since 1939

WISCONSIN:

Sup. Ct.: ___ Wis. 2d ___, ___ N.W.2d ___ (19___). since 1941
Ct. App.: ___ Wis. 2d ___, ___ N.W.2d ___ (Ct. App. 19___). since 1978

WYOMING:

Sup. Ct.: ___ P.2d ___ (Wyo. 19___). since 1959

STYLE AND USAGE GUIDE

The following alphabetized entries reflect the editorial preferences of the Reporter of Decisions in preparing the *Arkansas Reports* and *Arkansas Appellate Reports* for publication.
-- KAC

A or AN: A habitually vexing question is whether to use “a” or “an” in front of words beginning with “h.” Is it “a habitual offender” or “an habitual offender”? Don’t trust your ear on this one. The rule is that if the initial “h” is sounded, as in “habitual” or “historical,” “a” is required. If, however, the initial “h” is silent, as in “honor” or “hour,” “an” should be used.

ABBREVIATIONS: The following conventions should be observed:

► *Spacing:*

Close up adjacent single capitals except when an entity is abbreviated by widely recognized initials and combination of those initials with others would be confusing:

Yale L.J.
N.Y.U. L. Rev.

Do not close up single capitals with longer abbreviations:

U. Pa. L. Rev.
Nw. U.L. Rev.

Individual numbers, including both numerals and ordinals, are treated as single capitals:

F.2d
S.W.2d *but* So. 2d

Close up initials in personal names:

T.S. Eliot, G.W.F. Hegel, N.C. Wyeth

► *Periods:*

Generally, every abbreviation, except those in which the last letter of the original word is included and set off from the rest of the abbreviation by an apostrophe, should be followed by a period:

Ave.	Bldg.	Gen.
Ass'n	Dep't	Nat'l

Widely recognized initials that have come to be read out loud as initials rather than as the words they represent may be used without periods, except when used as the name of a reporter or code abbreviation:

NLRB	CBS	FDA	NAACP
UN	EEC	CIA	UCC

Always retain periods after initials not commonly read aloud, such as N.Y. and S.C. Do not omit the periods in "U.S."

Abbreviate the following titles thus:

Attorney General = Att'y Gen.	Chief Justice or Chief Judge = C.J.
Justice or Judge = J.	Justices or Judges = JJ.
Administrative Law Judge = A.L.J.	Special Justice = Sp.J.

AND/OR: Don't use it. But don't take my word for it. As the Arkansas Supreme Court noted in *Boren v. Qualls*, 284 Ark. 65, 68, 680 S.W.2d 82, 83 (1984): "The phrase has been so soundly criticized as to have been driven almost entirely from current usage. At best it has been labelled 'equivocal,' 'obscure' and 'meaningless,' at worst 'slovenly,' 'improper' and 'a linguistic abomination.'" See also *Kennedy v. Papp*, 294 Ark. 88, 741 S.W.2d 625 (1987).

APOSTROPHE: The **apostrophe** is used to form possessive nouns (see **POSSESSIVES**) and to indicate omitted letters in contractions (*we're, can't, it's*). Do not use an apostrophe with decade designations: *the 1960s*, **not** *the 1960's*.

BECAUSE and SINCE: The subordinating conjunction “**because**” is used to express cause or reason; as the *American Heritage Dictionary* notes, “it always indicates an unequivocal causal relationship: *He stayed behind because he was ill.*” On the other hand, “**since**” has traditionally carried temporal connotations: *It was the hottest summer since 1980.* In common speech and both formal and informal writing, “since” is now often used interchangeably with “because” as a subordinating conjunction to introduce a dependent clause: *Since appellant cites no authorities, we do not consider the issue.* Occasionally, this blurring of function can lead to confusion: *Since the court recessed, it has issued no opinions.* (Of course, either reading here would be right.) Generally, the word is a perfectly acceptable causal conjunction, but, in instances where vagueness would result, it’s best to limit “since” to its original sense.

And while we’re on the subject, forget the ancient superstition that forced writers into all sorts of contortions to avoid beginning sentences with “because.”

BOLDFACE TYPE: Avoid using it. *Italics* are the conventional means of emphasizing a point in a text, and printers have a deep-rooted aesthetic aversion to **boldface**. (See **SECTION HEADINGS**.)

CAPITALIZATION: The legal profession is much given to the habit of capitalization, even when it is unnecessary. This affliction has historical roots: until the end of the 18th century, most nouns were capitalized, and the practice continued in legal documents long after novelists, poets, and lesser mortals had abandoned it. One suspects that some lawyers cling to their capital letters because They Make The Words Look More Important. At any rate, nouns referring to people or groups should be capitalized only when they identify specific persons, officials, groups, or government entities:

the Governor (as a party) *but* the governor (as a nonparty)
the Agency (as a party) *but* the agency (as a nonparty)
the Board of Review
the Commission
the General Assembly *but* the legislature

- The following are special cases:

Act is capitalized only when referring to a specific act.

Circuit is capitalized only when used with the circuit number, e.g., the Eighth Circuit.

Code is capitalized only when referring to a specific code.

Court is capitalized only when naming any court in full or when referring to the United States Supreme Court or the court being addressed:

the United States Supreme Court; the Court
the Arkansas Supreme Court; the supreme court; the court
the Arkansas Court of Appeals; the court of appeals
the Nebraska Supreme Court; the Nebraska court

Constitution is capitalized only when naming any constitution in full or when referring to the United States Constitution; capitalize parts of the U.S. Constitution when referring to them in text, but not in citations.

Justice and *Judge* are capitalized only when giving the name of a judge, or when referring to a Justice of the United States Supreme Court or the Arkansas Supreme Court or a Judge of the Arkansas Court of Appeals.

State is capitalized if the word it modifies is capitalized (State Auditor); if it is part of the full title of a state (the State of California); or if the state is a party (the State conceded error); do not capitalize when referring to the geographic entity (*See NAMES*).

CASE LAW/CASELAW: Either form is correct, but “case law” is preferred as analogous to “common law.”

CENTER ON: An argument **centers on** a principle, a proposition, etc.; logically, it cannot “center around” something.

COLON: A **colon** should be preceded by an independent clause and is used to introduce a list of particulars, an appositive, an amplification, or an illustrative quotation. The colon has greater impact in making introductions than the comma, and it is dressier than the dash. It should not separate a verb from its complement or a preposition from its object.

If the element introduced by a colon is more than one sentence, or if it is a formal statement, a quotation, or a speech in dialogue, it should begin with a capital letter: *We had a limb cut off; but we preserved the body: We lost our Colonies; but we kept our*

Constitution. -- Edmund Burke, *A Letter to a Noble Lord* (1796). Otherwise, it may begin with a lowercase letter: *It was the old New York way of taking life “without effusion of blood”: the way of people who dreaded scandal more than disease, who placed decency above courage, and who considered that nothing was more ill-bred than “scenes,” except the behaviour of those who gave rise to them.* -- Edith Wharton, *The Age of Innocence* (1920).

COMMA: Use the serial comma to separate items in any list containing more than two: *Athos, Porthos, and Aramis* -- **not** *Starbuck, Stubb and Flask*.

Place a comma before a conjunction introducing an independent clause: *He had come a long way to this blue lawn, and his dream must have seemed so close that he could hardly fail to grasp it.* -- F. Scott Fitzgerald, *The Great Gatsby* (1925). No comma is needed when a dependent clause follows a conjunction: *The Misfit sprang back as if a snake had bitten him and shot her three times through the chest.* -- Flannery O'Connor, “A Good Man Is Hard to Find” (1955).

Use commas to set off dates (*The fall of the Bastille on July 14, 1789, marked the beginning of the French Revolution.*) [See **DATES**]; names of cities, counties, and states (Appellant returned to Fort Smith, Arkansas, to meet with her attorney.); case and constitutional citations (*In East Poinsett County Sch. Dist. No. 14 v. Massey, 315 Ark. 163, 866 S.W.2d 369 (1993), the court noted that U.S. Const., art. 1, § 10, and Ark. Const. art. 2, § 17, employ “the identical phrase.”*); and designations such as “Jr.,” “Inc.,” etc. (*Appellees Wallace and Gromit allege that Gradgrind Industries, Ltd., manufactured the wrong trousers*).

COMPOUND CONSTRUCTIONS: These irritating flourishes expend unnecessary words.

Avoid writing “at that point in time” when “then” would do the job. The same applies for the following: “for the purpose of”/“to”; “in accordance with”/“under”; “in order to”/“to”; “prior to”/“before”; “with reference to”/“concerning.” See Richard C. Wydick, *Plain English for Lawyers*, 3d ed. (1994), for other examples.

COMPOUND MODIFIERS (PHRASAL ADJECTIVES): See **HYPHEN**.

DASH: (see **EM DASH**)

DATES: Use commas to set off dates within a sentence: *Little did Leopold Bloom realize when he set forth upon the streets of Dublin on June 16, 1904, that he was embarking upon a modern odyssey.* You can avoid a cluster of commas by adopting the British (and military) form: *American troops landed at Omaha Beach in Normandy on 6 June 1944 and sustained heavy casualties.*

Omit the otherwise mandatory comma after the year when:

- ▶ Referring only to the month and year: *Lincoln delivered the Gettysburg Address in November 1863.*
- ▶ A date is used as an adjective: *Although the February 4, 2003 order dismissed the earlier case “with prejudice,” we hold that it did not operate as a bar to the present case, 99 Ark. App. 346, (2007).*

ELICIT/ILLICIT: Confusing these soundalikes can lead to all sorts of embarrassment. *Elicit* means *to bring out or to draw forth* (*Mason elicited the confession from the hysterical witness*), while *illicit* means *illegal*, with a moralistic sniff (*Ted’s collection of illicit photographs*).

ELLIPSIS: Omissions of one or more words from a quotation should be indicated by *ellipsis*—three dots separated by a space between each dot and set off by a space before the first and after the last dot

Use three ellipsis dots to indicate the omission of one or more words inside a quotation. *For to famous men all the earth is a sepulchre: and their virtues shall be testified . . . by an unwritten record of the mind, which more than of any monument will remain with everyone forever.* – Pericles, *Funeral Oration*.

Use four dots (three ellipsis dots and a period) to indicate the omission of:

1. A full paragraph or more. If a full paragraph or more has been omitted, skip a line and indent or center (either is acceptable, but not both; remain consistent) four ellipsis dots, then, on a new line, indent and continue the quotation.
2. The end of a sentence. If the omitted text includes the end of a sentence, follow the last word with a space and then four dots (three ellipsis dots plus the sentence period) with a space between each dot. *“It was the best of times, it was the worst of times”* – Charles Dickens, *A Tale of Two Cities* (1859).
3. The following sentence. If the last word being quoted ended the original quoted

sentence and the quotation continues, the first dot is the sentence period, so there is no space between the last word and the first dot. Follow the period with three ellipsis dots. “*Then he stretched out his hand to be led. . . . We entered the wood, and wended homeward.*” – Charlotte Bronte, *Jane Eyre* (1847).

If the last word of the quotation ended the original quoted sentence, no ellipsis is needed.

Never begin a quotation with ellipsis. Instead, capitalize and enclose in brackets the first letter of the first quoted word: **Not** As Pope observed, “. . . wretches hang that jurymen may dine.” **Instead**, As Pope observed, “[W]retches that hang jurymen may dine.”

If the quoted matter is a fragment that is worked into the structure of the main sentence, do not use ellipsis before or after the quotation: **Not** Pepys described “. . . a most horrid malicious bloody flame . . .” that consumed London. Instead, Pepys described “a most horrid malicious bloody flame” that consumed London.

House Style prescribes the use of dots (. . .), not stars, asterisks, or any other ellipsis-type symbols.

EM DASH: The *em dash* (or *long dash*) (–) should be used sparingly to indicate a sudden shift in thought or to give greater emphasis to an example: *Sit down, Sir, paint her to your own mind – as like your mistress as you can – as unlike your wife as your conscience will let you – ‘tis all one to me – please but your own fancy in it.* – Laurence Sterne, *Tristram Shandy* (1761).

Many printers close up the spaces surrounding em dashes. Arkansas house style, however, prescribes spaces on either side (*Appellant forgot one critical requirement – an abstract.*), except in such cites as *Ark. R. App. P.–Civil*.

An *en dash* (or *hyphen*) (–) should never be employed in place of an em dash.

ET SEQ.: Do not use *et seq.* When citing consecutive sections or subsections. Give inclusive numbers, as noted by Bryan A. Ganner in *The Redbook: A Manual on Legal Style*, §6.3, “[T]he use of *et seq.* is poor form that is forbidden by The Bluebook [Rule 3.3(b), 18th ed.] and disfavored by *ALWD* [Rule 6.6(d)].

FINDING/HOLDING: A court's *finding* pertains to questions of fact: *The trial court found that the lease had expired.* A *holding* is a determination of a matter of law crucial to the case at hand: *We hold that the trial court erred in refusing to accept appellant's proffered instruction.* Avoid the sloppy use of "find" for "hold."

FIRST, SECOND, THIRD...: In the past, the sequence "first, secondly, thirdly" was considered proper; now, however, the more economical (and parallel) "first, second, third" is preferred.

FLAUNT/FLOUT: A recurring legal malapropism is the use of *flaunt* (*flaunted, flaunting*) instead of *flout* (*flouted, flouting*). To flaunt something is to show it off or ostentatiously parade it: *Hannibal flaunted his penchant for odd cuisine, sickening his dinner guests.* To flout something is to treat it with contemptuous disregard: *The obsessed special prosecutor flouted not only the principles of constitutional law but also the conventions of common decency.* Garner (MLU) suggests that the confusion may arise from a telescoping of "flout" and "taunt." *Webster's Third*, a notoriously descriptive rather than prescriptive dictionary, hasn't helped matters by including the definition of "flout" in its entry for "flaunt," but it is simply acknowledging the fact that many people misuse "flaunt." Those who know the difference and care about precision in communication don't make the mistake.

GENDER-NEUTRAL LANGUAGE: Whenever possible, use gender-neutral language. This principle has been recognized legislatively, with the term "workers' compensation" replacing "workmen's compensation." Analogously, use "fire fighter" instead of "fireman." (Although *Webster's* does not record "firefighter," it is equally acceptable, if not preferable.)

When dealing with generic pronouns, unless the context specifically calls for gender distinction, use "he or she" and "his or hers." The locution is obviously cumbersome, but it's the best inclusive form available -- until "their" becomes an acceptable alternative in formal writing. Bryan A. Garner offers some helpful suggestions, such as using "one" or "who," in *The Elements of Legal Style*, 7.17 (Oxford University Press, 1991).

HYPHEN: Hyphenate *compound adjectives* (also called *compound modifiers* and *phrasal adjectives*), as in the following examples:

first-degree murder
subject-matter jurisdiction
lump-sum award
ineffective-assistance claim
speedy-trial period
wage-loss benefits
good-faith exception
implied-consent law
juvenile-transfer hearing
dual-employment doctrine
totality-of-the-circumstances test
in-court identification
sudden-emergency doctrine
race-neutral explanation
contemporaneous-objection rule
summary-judgment motion

child-support payments
victim-impact testimony
gross-receipts tax
common-law rule
burden-of-proof issue
civil-rights case
three-year contract
show-cause order
isolated-sale exemption
directed-verdict motion
waiver-of-rights form
out-of-court statement
aggravated-assault charge
class-action suit
blood-alcohol content
third-party beneficiary

The point is to avoid confusing the reader, who might be misled momentarily into placing the primary emphasis on, say, “gross” in “gross receipts tax” and wondering just how offensive the tax may be. Sure, it’s arbitrary, but authorities agree that hyphenated phrasal adjectives speed the reader along and prevent misconstructions by shifting the emphasis to the word modified (“tax”).

Because the reader expects an adverb to modify the word that follows, no hyphen is needed with “very” and adverbs ending in “ly” (“a very lengthy cross-examination”; “a recently filed motion”).

Do *not* hyphenate “nonresident,” “pretrial,” “posttrial,” “postconviction,” “postjudgment,” “reexamine” (an exception to the double-vowel rule), “semiautomatic,” “subagent,” “It is well settled” (*but* hyphenate “well-settled doctrine”), “murder in the first degree,” capitalized phrasal adjectives such as “Due Process Clause,” or foreign-language compound modifiers such as “*voir dire* examination.”

Use *hyphens* (-) instead of *virgules* (/): “attorney-client privilege.”

INDEPENDENT CLAUSES: Independent clauses may be separated by periods into separate sentences: *I was outside holding my candle. Now at last I know why I was brought here and what I have to do.* -- Jean Rhys, *Wide Sargasso Sea* (1966). They may also be joined together into one sentence by separating them with a semicolon [*But, masters, remember that I am an ass; though it be not written down, yet forget not that I am an ass.* -- William Shakespeare, *Much Ado About Nothing* (1600)] or with a comma followed by a

conjunction [*I didn't give him any food, and I didn't give him any sleep.* -- James M. Cain, *The Postman Always Rings Twice* (1934)].

ITALICS: In the era of typewriters, italics were rendered as underlined text. Thanks, however, to computers, underlining is now generally unnecessary for the purpose. In fact, underlining adds another layer of work for the printer, who is obliged to strip out the underlining codes from the electronic copies of opinions and to substitute italics. When preparing opinions for publication, please use *italics* in the following instances:

- ▶ *Case names:* Italicize all case names, including the “v.” and any procedural phrases.
- ▶ *Opinion section divisions:* Italicize opinion section divisions in upper- and lowercase letters (e.g., *II. Inconsistent verdict forms*).
- ▶ *Publications:* In citations, italicize *book titles*, *names of periodicals or newspapers*, and *titles of articles* that appear in law journals. Titles of articles from periodicals or newspapers should appear in quotation marks. The names of authors should be set in ordinary roman type. Legislative materials should not be italicized.
- ▶ *Style:* Italicize or underline words for emphasis or other stylistic purposes. Italicize *words or phrases in languages other than English* that have not been incorporated into common English usage. There is a strong presumption that Latin phrases commonly used in legal writing have been incorporated into common usage and thus should not be italicized. This, of course, is ultimately a matter of taste, but consistency should be observed. (For a suggested list, see *The Bluebook*, 18th ed., R7, pg. 75.)

LARGE AND SMALL CAPITALS: When quoting from a trial or hearing transcript in which speakers are identified by name, use Large and Small Capital Letters for the names, as if you were reproducing dialogue from a play, thus:

ATTORNEY: Were you working that night?
WITNESS: Yep.
ATTORNEY: Did you notice anything unusual?
WITNESS: Nope.

The equivalent of stage directions should be italicized, thus:

ATTORNEY: You say you didn't notice anything unusual?
WITNESS: Um, well, I . . . (*witness overcome by coughing fit*)

The inclusion of these elements will provide a series of visual cues for the reader and will enhance the aesthetic properties of the printed page.

NAMES: Parties' full names should be used when first mentioned (*Natty Bumppo, Gilberton Publishing Company*). Thereafter, they may be referred to by last name (*Bumppo*) or by an abbreviated form of the corporate name (*Gilberton*).

Generally, parties are simply identified as *appellant(s)* and *appellee(s)*. Use of the article *the* (*the appellant*) is optional. Neither *appellant* nor *appellee* should be capitalized. The same principle should be observed with such entities as *trial court, circuit clerk, and sheriff's deputy*. (It should be noted that capitalization practices vary with some judges.)

When the State of Arkansas is a party, capitalize *State* just as you would the proper name of any other party: *the State argues; the State's witness*; etc. If, however, you are merely referring to the geographical entity, use the lower case: *The appellant fled the state*. (See **CAPITALIZATION**.)

Form the plural of names by adding "s" -- unless they end in "s," "ch," "sh," "x," or "z." In those cases, add "es": *the Hijueloses; the Bulfinches; the MacLeishes; the Marxes; the Clausewitzes*. Never indicate a plural by inserting an apostrophe.

"NONE" SUBJECT-VERB AGREEMENT: Modern authorities, from Strunk and White to Bryan A. Garner, agree in overwhelming numbers that "**none**" takes a **singular** or **plural** verb, depending on the context: *None of appellant's points has merit. None of his allegations are true*. The singular form packs a greater punch, but both are correct. "None is" is appropriate when "none" denotes "not one" or "not any": *None of the appellants is present for oral argument*. "None are" should be used to indicate more than one person, object, or idea: *None of the citations are applicable*.

NUMBERS: Spell out whole numbers from zero through ninety-nine: *The witness insisted that he had counted ninety-nine bottles of beer on the wall*. In a series, however, where spelled-out numbers might slow down an already cumbersome sentence, use numerals: *The contents of the seized backpack included 16 baggies containing vegetable matter, 12*

baggies containing a powdery substance, 8 hand-rolled cigarettes, 5 Grateful Dead t-shirts, and 2 rubber chickens. Write \$500, not “\$500.00” or “five-hundred dollars.”

Spelled-out numbers rather than numerals -- even if greater than ninety-nine -- should be used at the beginning of sentences. Round numbers, such as “hundred” or “thousand,” should be spelled out.

In numbers containing five or more digits, use commas to separate groups of three digits: 2,500,000.

PARENTHESES: Place the period inside the closing mark of parenthesis if you have enclosed a complete sentence or wholly detached expression: (*For they have no word in their language to express lying or falsehood.*) -- Jonathan Swift, *Gulliver’s Travels* (1726).

The following example occurs frequently in court opinions: (*Emphasis added.*)

When a parenthetical expression falls within a sentence, place the punctuation outside the marks of parenthesis as if the parenthetical expression were absent: *We are not bound, for example, to seek his society; we have a right to avoid it (though not to parade the avoidance), for we have a right to choose the society most acceptable to us.* -- John Stuart Mill, *On Liberty* (1859). A familiar example in legal writing occasionally appears at the end of a citation: *Johninson v. State*, 317 Ark. 431, 878 S.W.2d 727 (1994) (*emphasis added*). (Note that the “e” in “emphasis” is not capitalized.)

The expression within the marks of parenthesis is punctuated as if it stood by itself: *First a conspicuous eminence is gotten [by sitting on the stage]; by which means the best and most essential parts of a gallant (good clothes, a proportionable leg, white hand, the Persian lock, and a tolerable beard) are perfectly revealed.* -- Thomas Dekker, *How a Gallant Should Behave Himself in a Playhouse* (1609).

PLEADED/PLED: *Pleaded* is the preferred past-tense form, but *pled* is acceptable. Never write “plead” (present tense) for “pled” (past tense).

POSSESSIVES: Form **singular** possessives by adding ‘s to the singular form of the noun: *appellant’s*. Add the ‘s even if the word ends in “s” (*the witness’s testimony; Arkansas’s sodomy law; Yeats’s “Crazy Jane” poems*). Strunk and White note an exception to the

latter rule -- one unlikely to crop up often in legal writing -- concerning the possessives of ancient proper names (*Moses' laws*; *Sophocles' plays*; *Jesus' parables*).

Form **plural** possessives by adding an apostrophe to plural nouns ending in "s" (*appellees' response*; *workers' compensation*) and 's to plural nouns not ending in "s" (*women's rights*).

These rules should be followed with **quasi-possessives**, such as *forty years' imprisonment*, *two weeks' absence*, and *a hard day's night* (but *The Thirty Years War*). Rephrasing may produce greater clarity: *forty years in the Department of Correction* or *a forty-year sentence*.

Singular names that are plural in form take the apostrophe alone: *American Airlines' profits*, *Court of Appeals' decision*.

Pronoun possessives (*hers*, *its*, *theirs*, *yours*, *ours*) do not take apostrophes.

QUOTATIONS: Quotations of forty-nine or fewer words should be enclosed in **quotation marks** but not otherwise set off from the rest of the text. Place **commas** and **periods inside** closing quotation marks: *"Then," observed Elizabeth, "you must comprehend a great deal in your idea of an accomplished woman."* -- Jane Austen, *Pride and Prejudice* (1811). Place **colons** and **semicolons outside** closing quotation marks: *We recently addressed the meaning of "joint employment"; the term figures prominently in workers' compensation cases.*

Use **single quotation marks** to indicate a quotation within a quotation: *The duke in Mark Twain's Adventures of Huckleberry Finn correctly gauges his audience: "'There,' says he, 'if that line don't fetch them, I don't know Arkansaw!'"* When quoting from the record of a trial, use the same method if quotation marks are employed in the transcript: *"Then he said, 'Smoke him.'"* If you are simply extracting the quote itself, it is unnecessary to render it as "Smoke him." **INSTEAD**, place conventional quotation marks around the quoted matter: *According to the witness, the appellant then said, "Smoke him."*

Quotations of fifty or more words should be **indented** (on the left and right) from the rest of the text and **single-spaced**. Citations for the quoted matter should not be indented but should be placed flush against the left margin where the main text resumes. Indicate paragraph structure by further indenting the first line of the quotation, but only if the first word of the quoted passage is also the first word of the original paragraph. Never add quotation marks to indented matter, except when they appear in the quoted text.

Any changes, additions, or amplifications within the quoted material should be placed in **brackets**: “[Appellee’s] and his counsel’s willful reluctance to follow the [supreme] court’s earlier directives is best understood by a verbatim reading of their written argument to this court.” -- *Jones v. Jones*, 329 Ark. 320, 947 S.W.2d 7 (1997).

Brackets should also be used when changing a capital letter to lowercase or vice versa. The use of a bracketed lowercase initial letter should be reserved only for sentences in which the quotation is part of a seamless whole: *Alexander Hamilton observed that “[a] well-constituted court for the trial of impeachment is an object not more to be desired than difficult to be obtained in a government wholly elective.”* When a quotation immediately follows a verb and comma or an introductory phrase and colon, always either retain the initial capital letter or capitalize and bracket the initial letter: *Henry David Thoreau declared, “Let every man make known what kind of government would command his respect, and that will be one step toward obtaining it.”* **OR** *As William Hazlitt noted in his essay “On Familiar Style” (1821): “[I]t is easy to affect a pompous style, to use a word twice as big as the thing you want to express: it is not so easy to pitch upon the very word that exactly fits it.”*

Omissions should be indicated by an **ellipsis** (three periods separated by spaces and set off by a space before the first and after the last period). For illustrations, *see* **ELLIPSIS**.

SAID/STATED: Use *said*, followed by a comma, to introduce a direct quote: *The trial judge said, “Get a real job, counsel.”* Use *stated* to introduce paraphrased matter: *This court has stated on numerous occasions that it will not consider an issue that was not raised below.* This distinction will enhance the precision of your writing.

SAID and SUCH: *NEVER* use the lawyerly “*said*” or “*such*” for the article “the.” After a first reference to a contract or a will, the reader is aware of the identity of the document and doesn’t need the reminder that “*said*” or “*such*” supposedly provides. Change *The parties signed said (or such) contract* to the simpler *The parties signed the contract*. Think about real-world usage whenever you are tempted by “*said*” and “*such*.” No one would ever say, “The coffee filter needs to be changed. Please change *said* (or *such*) coffee filter.”

SECTION HEADINGS: In published court opinions, use centered, upper- and lowercase italicized phrases to indicate section headings. Numbering (Roman or Arabic) is optional. For example:

I. Subject-matter jurisdiction
4. Other crimes or acts

The use of italics will help guide the reader to the divisions within the text. Do **NOT** use boldface type, under any circumstances. (See **BOLDFACE TYPE**.)

SECTION SYMBOL (§): Use the *section symbol* only in citations: *Ark. Code Ann. § 4-9-307*. Never begin a sentence with the section symbol (§); spell out the word *section* if it is the first word of a sentence: *Section 5-65-203(b)(1) provides that the person who requests an additional blood-alcohol test must bear the cost*. Elsewhere in the text, spell out the word *section* when the citation is abbreviated: *The court rejected appellant’s argument that section 5-4-604(8) is unconstitutional*.

SEMICOLON: The **semicolon** has two principal functions.

Lawyers and judges most often use it to separate clauses or phrases in a series: *In deciding whether to retain jurisdiction of the case, the trial court must consider the following factors: (1) the seriousness of the offense; (2) whether the offense is part of a repetitive pattern of adjudicated offenses; (3) the juvenile’s prospects for rehabilitation*.

If the series is preceded by a colon, do *not* insert the superfluous “and” before the last clause.

The semicolon’s other function is, sadly, somewhat neglected in legal writing. It provides an efficient means simultaneously to separate and connect two independent yet closely related clauses: *The man was playing with this town; it was a toy for him*. -- Stephen Crane, “The Bride Comes to Yellow Sky” (1898).

[SIC]: To sic or not to sic; that is the often-asked question. In some instances, you can’t get around it, as when the quoted matter, such as a warrant or a court order, contains a significant mangling of a word or name: “Freeburg” [sic] for “Fribourgh.” A closer case involves an obvious misspelling of an uncommon word in a transcript. If the court reporter simply can’t spell, say, “epistemological,” rendering it “epistolmological,” do you really want to seem as smugly superior as a [sic] would make you appear? A silent correction might be appropriate. Grammatical errors speak for themselves, without the support of snippy little [sic]s: *“They was alive on the plate.” Campbell Soup Co. v. Gates*, 319 Ark. 54, 889 S.W.2d 750 (1994).

SPLIT INFINITIVES: Thanks to the influence of generations of teachers who attempted to impose the structure of calcified Latin on the protean English language, we are still saddled with the old pedantic bugaboo about split infinitives. Just remember that emphasis is everything, and if you want to give the proper weight to your words, it may be necessary to boldly go where no 19th-century grammarian would have dared.

THAT and WHICH: Thou shalt not use **which** for **that**.

The difference between *that* and *which* turns on the tricky but essential distinction between **restrictive** and **nonrestrictive** elements in a sentence.

A *restrictive* element, as the name implies, serves to restrict -- that is, to establish the identity of -- the term it modifies: *The act that was passed in 1995 superseded the old law.* Here, *that* is the defining or restrictive pronoun and is not set off by commas; the restrictive clause it introduces identifies the word it refers to -- an act passed in 1995.

A *nonrestrictive* element, which should always be set off with commas, provides information about the term it modifies but is not essential: *The act, which was passed in 1995, superseded the old law.* Here, *which* is the nondefining or nonrestrictive pronoun and is set off by commas. The point of the sentence is that the act superseded the old law; the date is incidental. A good way to tell whether a clause is nonrestrictive is when you are able to delete it without affecting the point of the sentence. In that case, use “which”; otherwise, use “that.”

Watch out for such common errors as *This is a case which...* and *The photograph which was used...*. A simple formula to bear in mind is **that = no comma** and **which = comma**. *For example:* The appellant raises an issue *that* was not addressed below. **BUT:** The police discovered the victim in the appellant’s car, *which* was parked on the shoulder of the highway.

THAT (omitted): In formal writing, as a general rule, do not omit the introductory function word *that*: *We hold that the evidence...* -- **not** *We hold the evidence...*. The omission of *that* can obscure meaning, sound clumsy, or simply be unintentionally comical (*The trial court held the appellant’s hands were unclean*).

Thanks to the baleful influence of journalism, which operates on the maxim that Editorial Space Saved Is Advertising Space Gained, the idea has taken root among all stripes of writers that “that” should be omitted whenever possible, as understood. The problem is that the sentence itself may not be understood. Of course, “that” can often be omitted

idiomatically (though “which” cannot), and the sense won’t suffer in the least: *The ghost stories [that] Robert Louis Stevenson heard as a child shaped such narratives as Dr. Jekyll and Mr. Hyde and The Master of Ballantrae*. But more often than not, the reader must renegotiate his or her way through the words to catch the meaning: *The trial court had no way to determine [that] the admission of the forensic evidence during the medical expert’s testimony would be prejudicial when the appellant made no objection*. Any stylistic bump that causes the reader to stumble should be avoided. Think of “that” as a means to an end -- achieving greater clarity. In formal writing (and writing doesn’t get much more formal than a court opinion), it’s generally best not to omit “that,” unless the sense is absolutely clear. And even then, the use of “that” dresses up a sentence like a Sunday suit.

THE (Honorable) (Reverend): When referring to a judge or other worthy by “Honorable” (or “Hon.”), always place “the” before the honorific. The same principle applies when “Reverend” (or “Rev.”) is used for clergy. *The Honorable Adam Weir greeted the Reverend William Collins*.

TIMELY: The word timely functions as both an adverb and an adjective. Thus, you may write that a party timely filed the record or that she filed the record in a timely manner. Garner recommends the former example as less wordy.

VARIETY: Don’t bore the reader by relentlessly repeating the same sentence structure; watch for opportunities to inject a little variety. Check the first word in each sentence of a paragraph and each paragraph of an opinion to avoid clusters beginning with “The,” “Appellant,” “He,” “She,” or “There.”

WHICH: *See THAT and WHICH*. (And don’t forget the advice of Strunk and White, who admonished careful writers to go “*which*-hunting.”)

WORD STYLES

The words or phrases listed here frequently cause a problem, either in spelling, capitalization, hyphenation, or typeface. Each item has been checked in one or more of the following reference books to determine the correct spelling, capitalization, hyphenation, or typeface.

For more information on capitalization and italics, see the *House Style* section above.

ACA = *Arkansas Code Annotated* (1987)
 BB = *The Bluebook*, 18th ed. (2005)
 BL = *Black's Law Dictionary*, 8th ed. (2004)
 BLD = *Ballentine's Law Dictionary*, 3d. ed. (1969)
 CMS = *The Chicago Manual of Style*, 15th ed. (2003)
 GPO = *Government Printing Office Style Manual* (1984)
 GRS = George Rose Smith, a memo on spelling
 MLU = *A Dictionary of Modern Legal Usage*, by Bryan A. Garner (1995)
 PH = *Prentice-Hall Handbook for Writers*, 8th ed. (1982)
 RH2 = *The Random House Dictionary of the English Language*, 2d ed. unabridged (1987)
 W9 = *Webster's Ninth New Collegiate Dictionary* (1988)

A

ab initio (W9, BL & MLU)
 able-bodied (RH2 & MLU)
 above-cited (WI2 & GPO 7.14)
 abstruse -- difficult to comprehend (W9)
 but see obtuse
 accommodate (two m's) (W9)
 addendum (RH2)
 ad hoc (W9)
ad infinitum (W9 & BL)
ad litem (W9, BL & MLU)
 admissible (ible, not able) (W9)
 ad valorem (W9)
 affect -- (n.) feelings; affection; (v.) almost
 always used as a verb meaning to
 influence, to alter; also means to
 feign (MLU)
 aforementioned (W9)
a fortiori (W9, BL & MLU)
 after-tax (W9)
 amici curiae (pl.) (W9)

amicus curiae (sing.) (W9)
 annulled (W9)
 annulment (W9)
 any one -- any single or particular thing or
 person (MLU)
 anyone -- any person indiscriminately (W9)
 arguendo (MLU)
 argument (one e) (W9)
 Arkansas Department of Correction -- no s
 on last word (ACA)
 arm's length (n.) (W9) but arm's-length
 transaction (adj.) (MLU)
 assumpsit (W9)
 attorney-at-law (W9)
 attorney's fees (MLU)

B

baby-sitter or babysitter (RH2)
 benefited (W9 & GRS) One t. Eventually
 this word will be spelled with two
 t's, just by analogy to "fitted."

Webster's Third already gives both spellings, but at present most careful spellers consider one *t* to be the only correct spelling. There is a rule that when a word of two or more syllables ends consonant-vowel-consonant, the final consonant is not doubled except when the accent is on the last syllable. Hence, benefited, offered, etc. The rule never has been applied to words ending in *l*, so labeled and labelled, penciled and pencilled, equaled and equalled, are all acceptable.

bimonthly (W9)
 black-letter law (MLU)
 bona fide(s) (W9)
 bondholders (W9)
 bookmaking (crime) (W9)
 breathalyzer (MLU)
 bylaw (W9)
 by-product (W9)

C

ca. = circa (W9)
 caretaker (W9)
 carpal tunnel syndrome
 case law (Black's)
causa mortis (BL & MLU)
caveat emptor (W9, BL & MLU)
 certiorari (W9)
 cestui que trust (MLU)
 child-support payments, etc.
 circa = ca. (W9 & CMS)
 codefendant (W9)
 coexecutor (W9)
 common law (n.) (W9)
 common-law (comp. adj.) (W9)
 common sense (n.) (W9)
 commonsense (adj.) (W9)
 conferred (follows the accent) (W9 & GRS)
 consummate (two *m*'s) (W9)
 co-owner (W9)
coram nobis (RH2, BL & MLU)

corpus (W9)
corpus delicti (RH2, BL & MLU)
 cost-of-living adjustment (W9)
 council -- body of people (W9)
 counsel -- advice; an attorney (W9)
 counterclaim (W9)
 courthouse (W9)
 court-martial (n. or v.) (W9)
 courtroom (W9)
 cover-up (n.) (W9)
 coworker (W9)
 cross-appeal (RH2, CMS)
 cross-claim (RH2, CMS)
 cross-examine (RH2, W9, CMS, MLU)
 cross-examination (RH2, W9, CMS, MLU)
 cutoff (n. or adj.) (W9)
cy pres (n. or adj.) (W9, BL & MLU)

D

de facto (W9)
 de jure (W9)
de minimus (BL & MLU)
 de novo (W9)
 dictum; dicta/dictums (W9)
 direct examination (W9)
 directed-verdict motion
 domicile (W9)
 double-park (W9)
 down payment (W9)
 drugstore (W9)

E

eastbound (W9)
 effect -- (n.) almost always a noun meaning
 a result or a consequence; (v.) as a
 verb ~ means to produce, to
 accomplish or to cause to happen
 (MLU)
 e.g. (RH2) except as a signal, then *e.g.* (BB
 1.2)
 en banc (MLU)
 et al. (CMS)
 etc. (RH2)
 et seq. (RH2)

et ux. (RH2, BL & MLU)
ex-husband (RH2)
ex officio (W9)
ex parte (W9)
ex post facto (W9)
ex rel. -- as in *NAACP v. Alabama ex rel. Patterson* (BB 10.2.1 & MLU)
ex-wife (RH2)
eyewitness (W9)

F

fact-finder (MLU)
fact-finding (n. or adj.) (W9 & MLU)
farfetched (W9)
far-reaching (W9)
fellow-servant rule (RH2)
first-degree (adj.) -- as in first-degree
murder; BUT murder in the first
degree
forum non conveniens (MLU)
full time (n.) (W9)
full-time (adj.) (W9)

G

gauge (W9)
germane (not german) (W9 & GRS)
good faith (n.) in ~ (MLU)
good-faith (adj.) ~ effort (MLU)
guarantee (n.) warranty (v.)- the act of
giving a security; something given as
security (MLU)
guaranty (n.) primarily used in finance or
banking context as a promise to
answer for the debt of another
(MLU)
guardian ad litem (RH2)

H

habeas corpus (W9)
habendum (WI2)
harass (one r) (W9 & GRS)
head-on (adj. or adv.) (W9)
hit-and-run (adj.) (W9)
hold over (v.) (W9)

holdover (n.) (W9)

I

ibid. (CMS, BL & MLU)
id. (BB R4.1 & MLU)
i.e. (RH2)
in absentia (W9)
in camera (W9)
in custody (n.) (BLD)
in-custodial (adj.) (GRS)
indicia (W9)
inferred (follows the accent) (W9)
in forma pauperis (W9, BL & MLU)
in futuro (W9 & MLU)
_____-in-law (sing.) (W9)
_____-s-in-law (pl.) (W9)
in limine (MLU)
in loco parentis (W9, BL & MLU)
in pari delicto (RH2, BL & MLU)
in personam (W9)
in re (W9)
in rem (W9)
inter alia (W9, BL & MLU)
interfering (one r, because an e was dropped)
(W9)
inter se (W9, BL & MLU)
inter vivos (W9, BL & MLU)
in toto (W9, BL & MLU)
ipso facto (W9 & BL)

J

judgment (only one e) (W9)
judgment n.o.v. (MLU)
juvenile transfer
juvenile-transfer hearing, etc.

K

kidnapped (W9, R.L. Stevenson)

L

labeled or labelled (W9)
landowner (W9)
law-abiding (RH2)

lawbreaker (RH2)
 life-style (W9) [lifestyle acceptable altern.]
 lineup (n.) (W9)
 line up (v.) (W9)
 long-arm statute (MLU)
 lump-sum settlement (GPO 6.15)

M

malfeasance (W9)
 mandamus (W9)
 marijuana (W9)
 marshal (One l, both in the town ~ and in the
 verb, to ~ assets) (W9 & GRS)
 methadone (W9)
 in *Miranda* (GPO 11.8 & CMS 7.69)
 misfeasance (W9)
 misled -- past tense of mislead (W9 & GRS)

N

NAMES, PROPER:

- ▶ Burns's (sing. poss.) Like any other word, a name is made possessive by adding an apostrophe and an s unless the extra syllable makes the name hard to pronounce. (CMS 6.24, 6.19)
- ▶ Burnses' (pl. poss.) When a proper name ends in s the plural must be formed by adding es. Thus, Burnses, Keatses, Yeatses. If you refer to a house owned by husband and wife you can write either "the Dickens house" or "the Dickens' house," but not "the Dickens' house." (W9 & GRS)
- ▶ Kurt Vonnegut, Jr. (CMS 8.53)
- ▶ Adlai E. Stevenson III (CMS 8.53)
- ▶ E.M. Forster (close up single initials)
- ▶ Robert A. Lefflar but Robert B Lefflar (no period after the B)

nationwide (W9)
 no-fault (adj.) (W9)
nolle prosequi (n.) (W9, BL & MLU)
nolo contendere (W9, BL & MLU)
nol-pros; nol-prossed; nol-prossing (v.)

(W9, BL & MLU)

nonanswering
non compos mentis (W9, BL & MLU)
 nonfeasance (W9)
 nonjury trial (MLU & CMS T6.1)
 nonmoving
non obstante verdicto = n.o.v. (W9, BL & MLU)

nonresident
 non sequitur (W9)

NUMBERS:

- ▶ January 3, 1991, (CMS 8.36)
 Note that day-month-year, without commas (16 September 1993), is gaining acceptance in American usage 1950s (CMS 8.40)
- ▶ 4:00 p.m. (CMS 8.48)
- ▶ five-year-old boy, but a five year old (GPO 6.46)
- ▶ Highway 61 or Interstate I-30 (CMS 7.44)

nunc pro tunc (BL & MLU)

O

obiter dictum (W9)
 obtuse -- lacking sharpness of sensibility or intellect (W9) but see abstruse
 occasion (one s) (W9)
 occurred (two r's, because of the accent) (W9 & GRS)
 occurrence (two r's, because of the accent) (W9 & GRS)
 offered (follows the accent) (9 & GRS)
 offset (n. or v.) (W9)
 one-way (adj.) (W9)
 ongoing (adj.) (W9)
 overruled (W9)

P

parens patriae (BL & MLU)
 parol -- oral (W9)
 parole -- conditional release (W9)
 pendente lite (RH2)
 per capita (W9)

per curiam (W9)
 per diem (W9)
 per se (W9)
 per stirpes (RH2)
 pleaded or pled (Plead is not the proper past tense form.) (W9 & GRS)
 postconviction relief (GPO 6.29 & CMS T6.1)
 postjudgment (GPO 6.29 & CMS T6.1)
 postmortem (W9)
 postnuptial (W9)
 posttrial (W9)
 preference (follows the accent) (W9 & GRS)
 preferred (follows the accent)(W9 & GRS)
 pretrial (W9)
 prima facie (W9)
 principal – always has the connotation of main, as in ~ of a school, ~ and interest, or the ~ character (n. or adj.) (W9 & GRS)
 principle – rule, as in a ~ of law or a man of high ~ (n.) (W9 & GRS)
 pro bono (RH2)
 proffered (follows the accent) (W9 & GRS)
 pro forma (W9)
 pro hac vice (W9)
 pro rata (W9)
 pro se (MLU)
 pro tem. (W9)
 pro tempore (W9)

Q

quantum meruit (MLU)
 quasi contract (n.) (RH2)
 quasi in rem (WI2)
 quasi-judicial (adj.) (W9)
 quo warranto (W9)

R

race-neutral (explanation, etc.)
 racially neutral
 reexamine (exception to double-vowel rule)
 referred (follows the accent) (W9 & GRS)
 rescind, rescission (note the sci) (W9 &

GRS)

res geste (W9)
 res ipsa loquitur (RH2)
 res judicata (W9)

S

safe-deposit box (W9)
 safekeeping (W9)
 scienter (MLU)
 self-defense (W9)
 semiautomatic
 set off (v.) (W9)
 set-off (adj.) (W9)
 setoff (n.) (W9)
sic (BB R5.2(c), BL & MLU)
sine die (W9, BL & MLU)
sine qua non (W9, BL & MLU)
 stare decisis (W9)
 stationary -- stable; fixed (W9)
 stationery -- paper (W9)
 status quo (W9)
 statute of frauds (WI2)
 statute of limitations (sing.)(W9)
 stepdaughter (W9)
 stepfather (W9)
 stepparent (W9)
 sua sponte (MLU)
 subagent (W9)
 subcontractor (W9)
 subject matter (n.) as in jurisdiction of the ~ (W9)
 subject-matter (adj.) as in ~ jurisdiction (MLU)
 subpoena (W9)
 subpoena duces tecum (W9)
 sub silentio (BL & MLU)
 sui generis (W9)
 supersede, supersedeas (s, not c) (W9)
supra (BB B8.2)

T

third party (n.) (W9)
 third-party (adj.) (W9)
 tortfeasor (RH2)

U

ultra vires (W9)

V

via (W9)

vice versa (W9)

videotape (n. or v.) (W9)

vis-à-vis (W9)

viz. (RH2)

voir dire (W9)

W

well-being (W9)

willful (W9 & GRS) -- There is good
authority for wilful, but willful just
looks more willful.

witness's (sing. pos.) (PH 29a)

witnesses' (pl. pos.) (PH 29a)

X, Y, Z

X-rated (adj.) (RH2)

x-ray (also x ray, X ray) (RH2)

KRISTIN A. CORDELL

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